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SYG DA

A. Uniqueness—Trayvon Martin Controversery is putting an end to subjective self-defense law

Crawford 3/30 (Amanda J., The WAShington Post, Trayvon Martin’s Death Stalls Stand Your Ground laws, <http://www.washingtonpost.com/business/trayvon-martins-death-stalls-stand->your-ground-laws/2012/03/31/gIQA6v2QnS\_story.html

As the 4-million-member NRA continued its push in Alaska, it faced mounting challenges in other states. Massachusetts Governor Deval Patrick pledged yesterday to veto a similar bill if it made it to his desk. Legislation in New York and Iowa stalled in committees as lawmakers in Georgia, Texas and other states said they would try to repeal laws already on the books. A Florida-like measure in Minnesota was vetoed by Governor Mark Dayton on March 5, before the Martin case was widely covered in the national media. “You have to ask why they are doubling down in the face of this case,” said French, a former prosecutor and chairman of the judiciary committee, which approved the Alaska bill last week. “You are tipping the balance in favor of more shootings. There is no other way to put it.” Deadly Force Floridaʼs 2005 law, backed by the Fairfax, Virginia-based NRA, allows the use of deadly force in a public place if someone “believes it is necessary to prevent death or great bodily harm.” The law says there is no duty to ﬂee the confrontation. Neighborhood watch captain George Zimmerman, 28, claimed self- defense and was not arrested after shooting 17-year-old Martin on Feb. 26, sparking protests around the country. Authorities said the law prevented them from charging Zimmerman. The Florida measure was promoted as model legislation by the American Legislative Exchange Council, a Washington-based group with corporate and state legislative members who work together to fashion policy that is then introduced in capitols throughout the country. Similar laws are now in place in about half of U.S. states, although provisions vary, according to the Legal Community Against Violence in San Francisco, which opposes the laws. Ladd Everitt, communications director for the Washington- based Coalition to Stop Gun Violence, said he thinks the days when the NRA and ALEC could easily pass “stand your ground” state laws are over because of the Florida shooting.

B. Link—

1. Stand Your Ground was created to protect victims of domestic violence and to condone deadly force

The Inquisitr 3/25 (Melissa Stusinki, PolySci Degree from Anderson University, contributor to Inquistr, <http://www.inquisitr.com/210699/florida-not-the-only-state-that-has-stand-your-ground-law/>)

Stand Your Ground” laws go by many names, including “Shoot First” and “Make My Day.” And, while the case of Trayvon Martin dying at the hands of George Zimmerman has brought to light Florida’s controversial law, there are actually 24 states who have some form of the “Stand Your Ground” law. While their laws are not the same word for word, they have anything from laws that simply do not include a duty to retreat, to the full-on ability to act in self-defense, even allowing deadly force. Florida was the first state to include a law that allows people to use deadly force if they are gravely threatened either in the home, or “any other place where he or she has a right to be.” In Florida, the law is tough on prosecutors and judges, because once a self-defense claim has been made, it is up them to disprove it. In the Trayvon Martin case, the police report on the shooting refers to it as an “unnecessary killing to prevent unlawful act.” In this though, no evidence has been found showing that Trayvon was going to commit an unlawful act. Many of the “Stand Your Ground” laws in different states were created to help victims of domestic violence better defend themselves. As ProPublica asserts, “how could a battered wife retreat if she was attacked in her own home?” Normally, state law requires a person to attempt to flee before deadly force can be used. In the 24 states that have a “Stand Your Ground” or “Shoot First” law, this is not required. Click here for a full list, where you can see each state, as well as the specific law.

2. Aff is an instance of subjective self-defense, that’s the internal warrant for all of their substantive offense. The idea that a victim can use deadly force as a response to repeated domestic violence which they perceive to be self-defense is a textbook example of Stand Your Ground.

3. [Cite any of their deterrence/reform ev or any legal change args]

C. Impact—SYG leads to increased murder and unchecked violence

Dance et al. 4/5 (Gabriel, Harry J Enten, Karen J McVeigh, The Guardian, Stand Your Ground Gun Control Data, http://www.guardian.co.uk/world/2012/apr/05/stand-your-ground-gun-control-data?newsfeed=true)

Rising numbers of civilian justifiable homicides across the US are closely linked to states with both weak gun controls and stand-your-ground laws, according to a Guardian analysis of FBI and other data, which show a 25% increase in such killings since the controversial self-defence laws started being introduced around 2005. Stand-your-ground (SYG) measures, which have attracted increasing scrutiny since the fatal shooting of unarmed black teenager Trayvon Martin by a neighbourhood watch volunteer in Florida, allow citizens to use deadly force when they believe their life is in danger, without requiring them to retreat or try to escape the threat first. Florida was the first state to introduce an SYG law in 2005 and similar measures have now been adopted in some form by more than 20 states. Many were passed in 2006. The Trayvon Martin case has led to calls for the SYG laws to be reviewed or repealed. But the Guardian analysis shows that these measures alone cannot be statistically linked with the rise in justifiable homicides. However, in states with both SYG laws and the weakest gun controls – as defined by the Brady Campaign against gun violence – we found a statistical correlation with an increase in justifiable homicides. Across the US, such killings have risen sharply over the last five years, according to the data provided by the FBI and the Florida department of law enforcement. Between 2001 and 2005, there were 1,225 homicides classed as justifable, compared to 1,528 in the period 2006-2010. By contrast, violent crime overall has been falling. It is likely that the real number of killings could be higher. The data provided on a state-by-state basis to the FBI on justifiable homicide tends to be low and there are gaps in data. According to the FBI's crime reporting handbook, "Justifiable homicide, by definition, occurs in conjunction with other offenses". It reminds reporting agencies to "take care to ensure they do not classify a killing as justifiable or excusable solely on the claim of self-defense or on the action of a coroner, prosecutor, grand jury or court". Dan Gross, president of the Brady Campaign, said: "This research demonstrates a fundamental point. Stand-your-ground laws are dangerous on their own as a mentality. But when combined with weak gun laws they become a recipe for tragedy." He added: "Too much of the media focus has been on stand your ground alone. But we need to look at why Trayvon Martin is dead. Trayvon Martin is dead because George Zimmerman had a gun and that gun was put into his hands by the abominably low standards of guns laws in Florida. Zimmerman had a record of violence, but he was allowed to walk the streets with a loaded gun." Zimmerman, who admitted killing Martin but claimed self-defence under the law, had previously been charged with resisting arrest with violence and battery on an officer but the charges were dropped. He had also been accused of domestic violence in a case where he counter-accused his partner. Professor Dennis Kenney, of John Jay College of Criminal Justice at the City University of New York and a former police sergeant in Florida, said the Guardian's findings made sense. He said: "When more and more people carry guns and in more places, there are going to be more shootings." Recent years have seen an increase "not just in the number of guns, but also in the places that people have the right to take guns", said Kenney. "Various states are trying to remove almost all restrictions, even in bars serving alcohol. There's a high probability in states like Florida that a large number of people around you are armed." Into that mix, the SYG laws remove any responsibility to diffuse a situation, he said, leading to a "wild west" system of justice. "Justified homicides by police are also up," said Kenney. "The police are shooting more people and citizens are shooting more people. We're evolving into an increasingly coarse society with no obligation to diffuse a situation and rapidly turn to force. "People are literally getting away with murder."

Impact—Botched Prosecutions

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Dance et al. 4/5 (Gabriel, Harry J Enten, Karen J McVeigh, The Guardian, Stand Your Ground Gun Control Data, http://www.guardian.co.uk/world/2012/apr/05/stand-your-ground-gun-control-data?newsfeed=true)

Roman, who has written about stand-your-ground laws, believes that the rise in SYG is likely to lead to more miscarriages of justice. "It changes where the burden of proof lies. In a state without a SYG law, in a shooting, the police arrest you and then the burden is on the prosecutor to prove it is not self-defence." "When stand your ground comes into it, the police cannot arrest you before a probable cause finding. The place where the fact finding occurs is moved from the court to [on] the street. "When you undertake an investigation in a chaotic setting like a shooting you are more likely to make mistakes than in a setting like a trial. It is bad law because it moves the fact finding to the street. It provides a barrier to a prosecution without providing any benefits."

Impact—Race Killing

Impact—SYG permits racially based killings in the name of self-defense and legalizes questionable murders

Ritchie 4/8 (Lauren, stand Your Ground Should not give pursuers the right to kill, http://articles.orlandosentinel.com/2012-04-08/opinion/os-ed-lauren-ritchie-stand-your-ground-20120408\_1\_pinellas-county-security-guard-deadly-force

But they should. Florida's "stand your ground" law is being used as a shield to protect shooters who ought to be charged, and some of them are motived by race. Thank you, Florida Legislature. Consider the similarities between the case of Trayvon Martin and that of Brandon Baker, one of a 30-year-old pair of twins in the Pinellas case: Seventeen-year-old Trayvon Martin was shot in the chest in Sanford by a Neighborhood Watch volunteer who followed him because he thought Trayvon suspicious. In Pinellas, off-duty security guard Sean Browning, 23, shot a driver during a confrontation that resulted from the guard tailing him. The Pinellas incident, which occurred about three weeks after Trayvon's death, began when the twins were driving separate cars toward the apartment they shared in Palm Harbor, an unincorporated area nearSt. Petersburg. News accounts report that Browning, who was between them, was "concerned" about Brandon Baker's "erratic" driving. Baker turned onto an access road and stopped, according to Pinellas investigators, and Browning followed to get his license tag number. Brandon and Chris Baker walked up to Browning from either side, and Browning told investigators that he was afraid for his life. Browning said Brandon Baker punched him, so he sprayed Baker with mace and finished him off with a shot to the chest. The shooters in both cases claimed self-defense, the definition of which was broadened in 2005 when Florida passed its "stand your ground" law. Two young lives were needlessly lost, and justice seems to be in limbo. Sponsors of the "stand your ground" measure say it's being too liberally interpreted. Former Gov. Jeb Bush, who signed the bill into law, told the Tampa Bay Times, "Stand your ground means stand your ground. It's doesn't mean chase after somebody who's turned their back." Regardless of what it might mean, here's what it says: "A person who is not engaged in an unlawful activity and who is attacked in any other place where he or she has a right to be has no duty to retreat and has the right to stand his or her ground and meet force with force, including deadly force, if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm to himself or herself or another or to prevent the commission of a forcible felony." An analysis by the St. Petersburg newspaper showed that judges consistently give shooters a pass — provided they were not violating the law when they went after their victim. Because of the law, at least two killers weren't charged even though they took the lives of people who literally were running away. One Tallahassee judge who ruled in favor of a shooter who plugged a fleeing victim in the back wrote that the law "makes no exception from the immunity when the victim is in retreat at the time..." Yeee-haw! Ride 'em cowboy! It seems possible that the death of Trayvon Martin was set into motion by Zimmerman because Trayvon was black, young and breathing. Still, the Baker shooting brings to light an even more frightening aspect of "stand your ground." What a great excuse this poorly worded, open-ended law provides for blowing away just about anybody — pick a color or any other irrelevant reason — without facing consequences. It opens the door for cop wannabes to start patrolling the planet under the guise of "making the neighborhood safer." Eeek! Keep them away from my place. With the simple claim that they are afraid for their lives, the law gives trigger-happy nutbags a free ticket to increase violence in a community. Even worse, it creates the possibility of "legal" shootings based on race.

Makes Conviction via Self-Defense More Likely

Trayvon Martin makes conviction in Self-Defense more likely—stand your ground is not an answer to my offense

http://www.miamiherald.com/2012/04/04/2733989/florida-defense-attorneys-fear.html

With the worldwide press, citizens and celebrities scrutinizing Florida’s “Stand Your Ground” law after the shooting death of Trayvon Martin, criminal defense lawyers statewide fear that the widespread publicity will hamper their efforts in front of judges and juries in upcoming self-defense cases. Sanford police cited the law in not initially arresting neighborhood watch captain George Zimmerman, 28, who fatally shot the 17-year-old Trayvon during a scuffle on Feb. 26 in Sanford. Lawyers in unrelated cases will undoubtedly have to grill potential jurors about the “Trayvon Martin Effect’ or the “Trayvon Factor,” said Nellie King, president of the Florida Association of Criminal Defense Lawyers. “The climate could not be worse for those folks who have been arrested, yet have viable self-defense claims. Florida defense lawyers can only hope that jurists, as well as jurors, tasked with reviewing future Stand Your Ground claims will weigh the case-specific facts before them in an impartial manner against Florida’s law, irrespective of the larger issues being debated in this country,” she said. Florida’s 2005 law eliminated a citizen’s duty to retreat when confronted with an attacker, while allowing judges — well before a jury trial — to decide whether a defendant is immune from prosecution because he or she acted in self-defense. Critics, including many police officers, say the law spurs vigilantes to shoot first and ask question later, while some prosecutors think that juries, not judges, should be the ones to decide on the self-defense issue.

Prefer Ev

A. Post date—Trayvon Martin case makes recency key

B. Florida is key state in Stand Your Ground legislation. It was the first one to develop such progressive legislation. In state evaluation of the legislation’s viability is preferable to their evidence.